

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT TEXAS
SAN ANTONIO DIVISION**

**SON QUOC DUONG, THUY BAO LE,
LONG QUOC DUONG, and H- Q- D-,**

Plaintiffs

v.

UR MENDOZA JADDOU, *Director of U.S.
Citizenship and Immigration Services,*

Defendant

Civil No: 5:22-cv-130

**COMPLAINT TO COMPEL
AGENCY ACTION UNDER 28 U.S.C.
§ 1361 AND 5 U.S.C. §§ 555(b), 706(1),
AND FOR A WRIT OF MANDAMUS
TO COMPEL DEFENDANTS'
ADJUDICATION OF FORM I-485
ADJUSTMENT OF STATUS
APPLICATION**

USCIS Case Nos. LIN-19-901-96146
 LIN-19-901-96151
 LIN-19-901-96149
 LIN-19-901-96154

I. Introduction

1. Plaintiffs Son Quoc Duong, Thuy Bao Le, Long Quoc Duong, and H- Q- D- are applicants for adjustment of status whose case has been inexplicably delayed. Plaintiffs are immediately eligible to have their applications adjudicated. Because Defendant owes a non-discretionary duty to adjudicate applications for adjustment of status, Plaintiffs seek the aid of the Court in mandating that the Defendant make a decision on their applications.

II. Parties

2. Plaintiff Son Quoc Duong (A219-103-727) is a citizen of Vietnam and an applicant for adjustment of status. Plaintiff Son Quoc Duong resides in Bexar County, Texas, which is in this judicial district.
3. Plaintiff Thuy Bao Le (A219-103-730) is a citizen of Vietnam and the spouse of Plaintiff Son Quoc Duong. Plaintiff Le has an application for adjustment of status pending as a derivative beneficiary of Plaintiff Son Quoc Duong.
4. Plaintiff Long Quoc Duong (A219-103-728) is a citizen of Vietnam and an applicant for adjustment of status. Plaintiff Long Quoc Duong has an application for adjustment of status pending as a derivative beneficiary of Plaintiff Son Quoc Duong.
5. Plaintiff H- Q- D- (A219-103-729) is a citizen of Vietnam and an applicant for adjustment of status. Plaintiff H- Q- D- has an application for adjustment of status pending as a derivative beneficiary of Plaintiff Son Quoc Duong.
6. Defendant Ur Mendoza Jaddou is the Director of the U.S. Citizenship and Immigration Services (“USCIS”), an agency of the United States. Ms. Jaddou is named in her official capacity.

III. Jurisdiction and Venue

7. This Court has jurisdiction pursuant to 8 U.S.C. § 1331 (federal question jurisdiction).
8. Venue in the Western District of Texas is appropriate under 28 U.S.C. § 1391(e)(1) because Plaintiffs reside in this judicial district.
9. Venue is proper in the San Antonio Division of the Western District of Texas because Plaintiffs reside in Bexar County, Texas.

IV. Factual Allegations

10. Plaintiff Son Quoc Duong entered the United States on February 19, 2015 as a visitor and has resided continuously in the United States since then. **See Exhibit A.**
11. Plaintiff Son Quoc Duong filed an application for adjustment of status on January 11, 2019. **See Exhibit B.** At the same time, Plaintiffs Thuy Bao Le, Long Quoc Duong, and H- Q- D- submitted derivative adjustment applications. **See Exhibit C.**
12. Plaintiff Son Quoc Duong is the beneficiary of an I-140 visa petition approved on July 10, 2019. **See Exhibit D.** Merit Logistics LLC filed this petition on January 11, 2019, with USCIS carrying a priority date of April 18, 2018. *Id.*
13. Visa numbers were available at the time Plaintiffs filed their adjustment applications with USCIS. USCIS accepted the applications and later approved work authorization, which allowed the Plaintiff Son Quoc Duong to engage in lawful employment at Merit Logistics LLC. Plaintiff Son Quoc Duong is in possession of employment authorization documents issued by USCIS from April 24, 2019 to the present. **See Exhibit E.**
14. The USCIS Columbus Field Office has conducted two interviews on Plaintiffs' applications on October 31, 2019 and June 28, 2021. **See Exhibit F.** Since these interviews, no actions have been taken on the adjustment applications.
15. Plaintiffs have at all times met and continue to meet the requirements necessary to adjust status in the United States.
16. Historically, cases like Plaintiffs' have been adjudicated between 7 and 11.1 months. **See Exhibit G.** According to USCIS, the average processing time for the San Antonio Field Office is currently 10 to 13 months, and applications filed prior to January 12, 2021 are outside of processing time. **See Exhibit H.** Plaintiffs' adjustment applications are well

outside normal processing times. This delay is entirely unreasonable, as are the unexplained increases in processing times. Plaintiffs should not be required to wait further when the announced unreasonable processing times may simply grow longer and longer. Furthermore, this is especially true where Plaintiffs have already been interviewed twice.

17. Plaintiff Son Quoc Duong fits into preference category E3 from Vietnam. Accordingly, visa numbers are available for Plaintiff's adjustment application. The February Visa Bulletin shows the E3 category from Vietnam for other workers is current. *See Exhibit I.* Thus, visa numbers are immediately available to Plaintiffs.

18. Despite Plaintiffs' diligent efforts to resolve the delay in adjudication, the Defendant has failed to fulfill their mandatory duty to adjudicate the pending application within a reasonable time as required by the APA.

19. As a result of Defendant's failure to act, Plaintiffs have suffered and will continue to suffer severe, concrete, and particularized injury.

FIRST CLAIM FOR RELIEF

28 U.S.C. § 1361 - Writ of Mandamus to compel officers and agencies of the United States to perform a duty owed to Plaintiffs

20. The allegations in the preceding paragraphs are repeated and incorporated as though fully set forth herein.

21. Plaintiffs are eligible for immediate adjudication of their pending I-485 application.

22. Plaintiffs are admissible to the United States as lawful permanent residents.

23. Plaintiffs have suffered and will continue to suffer significant and irreparable harm because of the Defendant's policies, procedures, acts and failure to act as described herein.
24. Defendant has violated Plaintiffs' statutory rights to apply for benefits which Congress has provided under the Immigration and Nationality Act ("INA"), depriving Plaintiffs of the opportunity to pursue adjustment of status to lawful permanent residence and live lawfully in the United States under 8 U.S.C. § 1255.
25. District courts have mandamus jurisdiction to "compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff." 28 U.S.C. § 1361.
26. Both the INA and its implementing regulations provide numerous examples of mandatory duties owed by USCIS in the adjustment of status process. 8 U.S.C. § 1103 provides that "[t]he Secretary of Homeland Security **shall** be charged with the administration and enforcement of this Act and all other laws relating to the immigration and naturalization of aliens[.]" (Emphasis added). The Code of Federal Regulations provides that "[e]ach applicant for adjustment of status . . . **shall** be interviewed by an immigration officer." 8 C.F.R. § 245.6 (emphasis added). The regulations further provide that "the applicant **shall** be notified of the decision of the director and, if the application is denied, the reasons for the denial." 8 C.F.R. § 245.2(a)(5)(i) (emphasis added).
27. The language of the statute and the above cited regulations is mandatory, not discretionary, and the Defendant has a clear duty to adjudicate the application for adjustment of status pending before them. *See Matter of Sealed Case*, 151 F.3d 1059,

1063 (D.C. Cir. 1998); see also *First Federal Savings and Loan Association of Durham v. Baker*, 860 F.2d 135, 138 (4th Cir. 1988).

28. It is the sense of Congress that the processing of an immigration benefit application should be completed not later than **180** days after the initial filing of the application. *See* 8 U.S.C. § 1571 and (Pub. L. 106-313, title II, §202, Oct. 17, 2000, 114 Stat. 1262).
29. Mandamus action is appropriate because the Defendant has failed to act within a reasonable period of time. *See, e.g., Liu v. Novak*, 509 F. Supp. 2d 1, 9 (D.D.C. 2007) (holding that the APA requires the government to act within a reasonable period of time); *see also Sierra Club v. Thomas*, 828 F.2d 783, 794 (D.C. Cir. 1987) (stating that “regardless of what course it chooses, the agency is under a duty not to delay unreasonably in making that choice”).
30. Defendant has a clear, non-discretionary, and mandatory duty to adjudicate Plaintiffs’ I-485 applications. There is no legal bar to doing so. Accordingly, Plaintiffs have a clear and indisputable right to have their I-485 application adjudicated. No alternative remedy exists to compel action by Defendant.

SECOND CLAIM FOR RELIEF

Administrative Procedure Act, 5 U.S.C. § 555(b), § 706(1) et seq.

31. Plaintiffs re-alleges each of the allegations contained herein.
32. Plaintiffs have suffered a legal wrong or have been “adversely affected or aggrieved” by agency action. 5 U.S.C. § 702. Plaintiffs are persons aggrieved by agency action, for which there is no other adequate remedy in a court. 5 U.S.C. § 704.
33. Pursuant to the APA, 5 U.S.C. § 555(b), Defendant has a nondiscretionary duty to act “within a reasonable time” upon a matter presented to it.

34. Pursuant to the APA, 5 U.S.C. § 706(1), a court may compel agency action unlawfully withheld or unreasonably delayed.
35. Plaintiffs are eligible for and have fulfilled all statutory requirements for adjustment of status. They have submitted all necessary information and evidence supporting their applications and paid all applicable fees.
36. Defendant's delay in acting on Plaintiffs' I-485 applications is unreasonable and constitutes agency action wrongfully withheld or unreasonably delayed because the application has been pending for 1,123 days and counting without a final decision. Plaintiffs face irreparable harm if the failure to act persists, a fact which is well known to Defendant.

V. Prayer for Relief

Plaintiffs respectfully request that the Court grant the following relief:

1. Assume Jurisdiction over this action;
2. Declare that Defendant's delay in adjudication of Plaintiffs' pending I-485 applications constitutes agency action unlawfully withheld or unreasonably delayed;
3. Issue a writ of mandamus compelling Defendant to immediately complete all steps necessary to adjudicate Plaintiffs' pending I-485 applications within 10 days;
4. Issue an order pursuant to the Administrative Procedure Act directing Defendant to take all steps necessary to adjudicate Plaintiffs' pending I-485 applications within 10 days;
5. Retain jurisdiction over this action and any attendant proceedings until Defendant has finally adjudicated Plaintiffs' applications and communicated that fact to the Court;
6. Award Plaintiffs reasonable attorneys' fees under the Equal Access to Justice Act; and

7. Award such further relief as the Court deems just or appropriate.

Respectfully submitted,

/s/ Javier N. Maldonado
Javier N. Maldonado (TXBN 00794216)
Law Office of Javier N. Maldonado, PC
8620 N. New Braunfels Ave., Ste. 605
San Antonio, TX 78217
(210) 277-1603
(210) 587-4001 (fax)
jmaldonado.law@gmail.com

/s/ Sunny Shah
*SUNNY SHAH (AL Bar # 3304I10H)
Socheat Chea, P.C.
3500 Duluth Park Lane, Bldg. 300
Duluth, Georgia 30096
(770) 623-8880
(770) 623-8852 (fax)
sunny@socheatchea.com

**Motion Pro Hac Vice forthcoming*

COUNSEL FOR PLAINTIFF

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT TEXAS
SAN ANTONIO DIVISION**

**SON QUOC DUONG, THUY BAO LE,
LONG QUOC DUONG, and H- Q- D-,**

Plaintiffs

v.

UR MENDOZA JADDOU, *Director of U.S.
Citizenship and Immigration Services,*

Defendant

Civil No: 5:22-cv-130

LIST OF EXHIBITS

Exhibit A Plaintiff Son Quoc Duong's passport biographical page, visa, and admission stamp;

Exhibit B Receipt notice for Form I-485, Application for Adjustment of Status for Plaintiff Son Quoc Duong;

Exhibit C Receipt notice for Form I-485, Application for Adjustment of Status for Plaintiffs Thuy Bao Le, Long Quoc Duong, and H- Q- D-;

Exhibit D Approval notice for Form I-140 Immigrant Petition for Immigrant Worker;

Exhibit E Copies of Plaintiff Son Quoc Duong's current and previous employment authorization cards;

Exhibit F Plaintiffs' Notice of Interview Results, dated October 31, 2019, and Plaintiff's Son Quoc Duong's Form I-138, Subpoena at the Columbus Field Office, dated June 9, 2021;

Exhibit G USCIS Historical Average Processing Times;

Exhibit H USCIS Case Processing Times for the San Antonio Field Office; and

Exhibit I February 2022 Visa Bulletin.

ĐSQ VIỆT NAM TẠI HOA KỲ

Embassy of Vietnam in the United States of America

TL. ĐAI SÚ/ For the Ambassador

Tham tán / Counsellor



Chữ ký người mang hộ chiếu
Signature of bearer

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM - SOCIALIST REPUBLIC OF VIETNAM

Loại / Type

Mã số / Code

Số hộ chiếu / Passport N^o

P

VNM

Họ và tên / *Full name*

DƯƠNG QUỐC SƠN

Quốc tịch / Nationality

VIỆT NAM / VIETNAMESE

Ngày sinh / *Date of birth*

Nơi sinh / ~~Place of birth~~

BẮC GIANG

Giới tính / Sex

Số GCMND / ID card No.

NAM / M

024505855

Ngày cấp / *Date of issue*

Có giá trị đến / *Date of expiry*

24/04/2018

24/04/2028

Nơi cấp / *Place of issue*

Oa-sinh-ton / Washington DC

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THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

NOTICE TYPE Receipt		NOTICE DATE January 16, 2019
CASE TYPE I-485, Application to Register Permanent Residence or Adjust Status		USCIS ALIEN NUMBER A219103727
RECEIPT NUMBER LIN1990196146	RECEIVED DATE January 11, 2019	PAGE 1 of 1
PRIORITY DATE April 18, 2018	PREFERENCE CLASSIFICATION 203 B3AIII OTHER WORKER	DATE OF BIRTH [REDACTED]

SON Q. DUONG
C/O SON QUOC DUONG

25 00008597



PAYMENT INFORMATION:

Application/Petition Fee: \$1,140.00
Biometrics Fee: \$85.00
Total Amount Received: \$1,225.00
Total Balance Due: \$0.00

NAME AND MAILING ADDRESS

The above application/petition has been received by our office and is in process. Please verify your personal information listed above and immediately notify the USCIS National Customer Service Center at the phone number listed below if there are any changes.

Please note that if a priority date is printed on this notice, the priority does not reflect earlier retained priority dates.

Next Steps:

- USCIS will schedule a biometrics appointment for you to have your biometrics electronically captured at a USCIS Application Support Center (ASC). You will be receiving a biometrics appointment notice by mail with the specific date, time, and place where you will have your fingerprints and/or photographs taken.
- You must wait to receive your biometrics appointment notice before going to the ASC for biometrics processing.
- This notice does not serve as your biometrics appointment notice.

As a reminder, you may request to change employers under INA 204(j) if your Form I-485 Adjustment application has been pending for at least 180 days and your underlying Form I-140 is approved or is still pending. In order to do so, you should supplement the Form I-485 record of proceeding with documentation relating to the new job offer that forms the basis of the INA 204(j) portability request. For more information on how to request to change employers and what information is required to supplement the Form I-485, please visit www.uscis.gov.

A valid G-28 was NOT received with your case. If you wish to be represented, please contact your attorney or accredited representative to submit a G-28 to the USCIS location listed at the bottom of this notice. For more information on filing G-28, please visit <http://www.uscis.gov/forms/filing-your-form-g-28>.

If you have questions about possible immigration benefits and services, filing information, or USCIS forms, please call the USCIS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833. Please also refer to the USCIS website: www.uscis.gov.

If you have any questions or comments regarding this notice or the status of your case, please contact our customer service number. You will be notified separately about any other case you may have filed.

USCIS Office Address:
USCIS
Nebraska Service Center
P.O. Box 82521
Lincoln, NE 68501-2521

USCIS Customer Service Number:
(800)375-5283



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NOTICE TYPE Receipt		NOTICE DATE January 16, 2019
CASE TYPE I-485, Application to Register Permanent Residence or Adjust Status		USCIS ALIEN NUMBER A219103730
RECEIPT NUMBER LIN1990196151	RECEIVED DATE January 11, 2019	PAGE 1 of 1
PRIORITY DATE	PREFERENCE CLASSIFICATION	DATE OF BIRTH [REDACTED]

THUY B. LE
C/O THUY BAO LE
[REDACTED]

25 00008604



PAYMENT INFORMATION:

Application/Petition Fee: \$1,140.00
Biometrics Fee: \$85.00
Total Amount Received: \$1,225.00
Total Balance Due: \$0.00

NAME AND MAILING ADDRESS

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P.O. Box 82521
Lincoln, NE 68501-2521

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(800)375-5283



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NOTICE TYPE Receipt		NOTICE DATE January 16, 2019
CASE TYPE I-485, Application to Register Permanent Residence or Adjust Status		USCIS ALIEN NUMBER A219103728
RECEIPT NUMBER LIN1990196149	RECEIVED DATE January 11, 2019	PAGE 1 of 1
PRIORITY DATE	PREFERENCE CLASSIFICATION	DATE OF BIRTH [REDACTED]

LONG Q. DUONG
C/O LONG QUOC DUONG

25 00008600



PAYMENT INFORMATION:

Application/Petition Fee: \$1,140.00
Biometrics Fee: \$85.00
Total Amount Received: \$1,225.00
Total Balance Due: \$0.00

NAME AND MAILING ADDRESS

The above application/petition has been received by our office and is in process. Please verify your personal information listed above and immediately notify the USCIS National Customer Service Center at the phone number listed below if there are any changes. Please note that if a priority date is printed on this notice, the priority does not reflect earlier retained priority dates.

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P.O. Box 82521
Lincoln, NE 68501-2521

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(800)375-5283



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NOTICE TYPE Receipt		NOTICE DATE January 16, 2019
CASE TYPE I-485, Application to Register Permanent Residence or Adjust Status		USCIS ALIEN NUMBER A219103729
RECEIPT NUMBER LIN1990196154	RECEIVED DATE January 11, 2019	PAGE 1 of 1
PRIORITY DATE	PREFERENCE CLASSIFICATION	DATE OF BIRTH [REDACTED]

H Q D [REDACTED]

25 00008605



PAYMENT INFORMATION:

Application/Petition Fee: \$750.00
Biometrics Fee: \$0.00
Total Amount Received: \$750.00
Total Balance Due: \$0.00

NAME AND MAILING ADDRESS

The above case has been received by our office and is in process.

Please verify your personal information listed above and immediately notify the USCIS National Customer Service Center at the phone number listed below if there are any changes.

Please note that if a priority date is printed on this notice, the priority does not reflect earlier retained priority dates.

A valid G-28 was NOT received with your case. If you wish to be represented, please contact your attorney or accredited representative to submit a G-28 to the USCIS location listed at the bottom of this notice. For more information on filing G-28, please visit <http://www.uscis.gov/forms/filing-your-form-g-28>.

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If you have any questions or comments regarding this notice or the status of your case, please contact our customer service number.

You will be notified separately about any other case you may have filed.

USCIS Office Address:

USCIS
Nebraska Service Center
P.O. Box 82521
Lincoln, NE 68501-2521

USCIS Customer Service Number:

(800)375-5283



THE UNITED STATES OF AMERICA

I-797 | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Receipt Number LIN1990196145	Case Type I-40 - IMMIGRANT PETITION FOR ALIEN WORKER
Received Date 01/11/2019	Petitioner MERIT LOGISTICS LLC
Notice Date 07/10/2019	Beneficiary A219 103 727 DUONG, SON QUOC

MERIT LOGISTICS LLC
 c/o MYUNG SUN CAITLYN GOLDSTEIN
 GOLDSTEIN LAW GROUP
 2024 BEAVER RUIN ROAD
 NORCROSS GA 30071

Notice Type: Approval Notice
Section: Other Workers, Sec.203(b)(3)(A)(iii)
Consulate:
ETA Case Number: A1810864863
SOC Code: 537062 **Skill Level:** 1
Work Site: DELAWARE OH

The person for whom you are petitioning will be notified separately when a decision is reached on his or her pending adjustment of status application.

The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.

THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.

The Small Business Regulatory Enforcement and Fairness Act established the Office of the National Ombudsman (ONO) at the Small Business Administration. The ONO assists small businesses with issues related to federal regulations. If you are a small business with a comment or complaint about regulatory enforcement, you may contact the ONO at www.sba.gov/ombudsman or phone 202-205-2417 or fax 202-481-5719.

NOTICE: Although this application or petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

Nebraska Service Center
 U. S. CITIZENSHIP & IMMIGRATION SVC
 P.O. Box 82521
 Lincoln NE 68501-2521

USCIS Contact Center: www.uscis.gov/contactcenter







U.S. Department of Homeland Security

HAND DELIVERED AT INTERVIEW

Date of Interview: October 31, 2019

Applicant/Petitioner's Name: SON QUOC DUONG

A-number: A219103727



**U.S. Citizenship
and Immigration
Services**

Interviewing Officer: McCullough

Form Type: I-485

NOTICE OF INTERVIEW RESULTS

You have just completed your interview.

- ☐ Your application/petition has been recommended for approval. At this time, it appears that you have established your eligibility for the immigration benefit for which you applied. If final approval is granted, you will receive your approval notice by mail.
- ☒ USCIS is unable to complete your case at this time. Your case is being continued until a final decision can be made. Please see below for further explanation.

REASON FOR CONTINUANCE

- ☒ Your case is being held for review. At this time, USCIS does not require any further information or documents from you. Should further information or documents be required, you will receive a notice in the mail. We may also schedule you for another interview, you will receive a notice in the mail. Otherwise, a final decision will be mailed once your case is complete.
- ☐ Your I-485 interview is complete. However, your priority date is not current at this time. Your case will be transferred to the National Benefits Center (NBC) until your priority date becomes current. Once your priority date becomes current, the NBC will make the final decision on your case.
- ☐ Your case is being transferred to the USCIS office servicing your new address. Should further information or documents be required, you will receive a notice in the mail. USCIS may also schedule you for another interview, you will receive a notice in the mail. Otherwise, a final decision will be mailed once your case is complete.
- ☐ Please follow the instructions on Form I-72.

Please allow for no less than 120 days before making a status inquiry on your case. You may make a status inquiry through the national customer service line at 800-375-5283. You may also make an InfoPass appointment to discuss your case with an immigration officer at the Columbus Field Office. InfoPass appointments may be made online on the USCIS website at www.uscis.gov.

If you change your address, you must notify USCIS within 10 days by filing Form AR-11. It is recommended that you visit our website at www.uscis.gov to complete and file the Form AR-11 online. This will ensure all necessary systems are timely updated with your new address. If you submit Form AR-11 by mail, you must also call our National Customer Service Center at 800-375-5284.

Sincerely,

Stephanie Reither
Field Office Director
, Esq
cc:

U.S. Department of Homeland Security

HAND DELIVERED AT INTERVIEW

Date of Interview: October 31, 2019

Applicant/Petitioner's Name: H ■ Q ■ D ■

A-number: A219103729



**U.S. Citizenship
and Immigration
Services**

Interviewing Officer: McCullough

Form Type: I-485

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Sincerely,

Stephanie Reither
Field Office Director
, Esq

cc:

U.S. Department of Homeland Security

HAND DELIVERED AT INTERVIEW

Date of Interview: October 31, 2019

Applicant/Petitioner's Name: LONG QUOC DUONG

A-number: A219103728



**U.S. Citizenship
and Immigration
Services**

Interviewing Officer: McCullough

Form Type: I-485

NOTICE OF INTERVIEW RESULTS

You have just completed your interview.

- ☐ Your application/petition has been recommended for approval. At this time, it appears that you have established your eligibility for the immigration benefit for which you applied. If final approval is granted, you will receive your approval notice by mail.
- ☒ USCIS is unable to complete your case at this time. Your case is being continued until a final decision can be made. Please see below for further explanation.

REASON FOR CONTINUANCE

- ☒ Your case is being held for review. At this time, USCIS does not require any further information or documents from you. Should further information or documents be required, you will receive a notice in the mail. We may also schedule you for another interview, you will receive a notice in the mail. Otherwise, a final decision will be mailed once your case is complete.
- ☐ Your I-485 interview is complete. However, your priority date is not current at this time. Your case will be transferred to the National Benefits Center (NBC) until your priority date becomes current. Once your priority date becomes current, the NBC will make the final decision on your case.
- ☐ Your case is being transferred to the USCIS office servicing your new address. Should further information or documents be required, you will receive a notice in the mail. USCIS may also schedule you for another interview, you will receive a notice in the mail. Otherwise, a final decision will be mailed once your case is complete.
- ☐ Please follow the instructions on Form I-72.

Please allow for no less than 120 days before making a status inquiry on your case. You may make a status inquiry through the national customer service line at 800-375-5283. You may also make an InfoPass appointment to discuss your case with an immigration officer at the Columbus Field Office. InfoPass appointments may be made online on the USCIS website at www.uscis.gov.

If you change your address, you must notify USCIS within 10 days by filing Form AR-11. It is recommended that you visit our website at www.uscis.gov to complete and file the Form AR-11 online. This will ensure all necessary systems are timely updated with your new address. If you submit Form AR-11 by mail, you must also call our National Customer Service Center at 800-375-5284.

Sincerely,

Stephanie Reither
Field Office Director
, Esq

cc:

U.S. Department of Homeland Security

HAND DELIVERED AT INTERVIEW

Date of Interview: October 31, 2019

Applicant/Petitioner's Name: THUY BAO LE

A-number: A219103730



**U.S. Citizenship
and Immigration
Services**

Interviewing Officer: McCullough

Form Type: I-485

NOTICE OF INTERVIEW RESULTS

You have just completed your interview.

- ☐ Your application/petition has been recommended for approval. At this time, it appears that you have established your eligibility for the immigration benefit for which you applied. If final approval is granted, you will receive your approval notice by mail.
- ☒ USCIS is unable to complete your case at this time. Your case is being continued until a final decision can be made. Please see below for further explanation.

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- ☐ Please follow the instructions on Form I-72.

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Sincerely,

Stephanie Reither

Field Office Director

, Esq

cc:



Subpoena
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-138
 Internal Use

Office of Origin: DHS/USCIS

File No.: A219103727

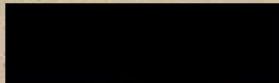
395 E Broad Street, STE 100

Date: 6/9/2021

Columbus, OH 43215

In Re: Form I-485

To: Son Duong



You are hereby commanded to appear before Immigration Officer Cuevas
 at 395 E Broad Street, STE 100, Columbus, Ohio on June 28, 2021

at 8:00 AM a.m./p.m., to give testimony in connection with Form I-485

proceedings being conducted under the authority of the Immigration and Nationality Act, relating to:
immigration and job application process.

concerning:

your application for lawful permanent resident status.

You are further commanded to bring with you the following books, papers and documents, viz:

All materials and correspondence relating to your job application, selection, onboarding, and immigration process for Merit Logistics.

All banking records preceding your admission into the US by 6 months and up to date of interview.

All agreements, written correspondence including e-mails, phone records, and payment records with any travel agent, attorney, preparer, or other individual who assisted you with the immigration process. This is including, but not limited to: booking of travel, organizing the move and resettlement to the US, nonimmigrant visa, Labor Certificate, Form I-140 and Form I-485. You may be asked to authenticate evidence by producing the original document in the original format, which you received.

If you are not fluent in English, you should bring an interpreter.

[Signature]

06/09/2021

Signature of Authorized Official

Date of Signature (mm/dd/yyyy)

Megan Green

6/9/2021

Signature of Authorized Official

Date of Signature (mm/dd/yyyy)

Signature of Authorized Official

Date of Signature (mm/dd/yyyy)

Certificate of Service

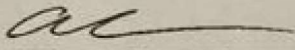
I certify that on June 9, 2021, I served the above subpoena on the witness named above in the following manner: by regular mail

Cuevas

Print Name of Officer serving warrant

Immigration Officer

Title of Officer serving warrant


Signature of Officer serving warrant

6/9/2021
Date of Signature (mm/dd/yyyy)

[Para tener acceso a este sitio en Español, presione aquí \(/historic-pt-es\).](#)

Historical National Median Processing Time (in Months) for All USCIS Offices for Select Forms By Fiscal Year

Fiscal Year 2017 to 2022 (up to December 31, 2021)

[Next Page \(/historic-pt-2\)](#)

Processing Times (in Months)

Form	Form Description	Classification or Basis for Filing	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 ⁵
I-90	Application to Replace Permanent Resident Card	Initial issuance, replacement or renewal	6.8	8	7.8	8.3	5.2	1.2
I-102	Application for Replacement/Initial Nonimmigrant Arrival/Departure Record	Initial issuance or replacement of a Form I-94	4.9	3.9	3.3	3.9	4	1.5
I-129	Petition for a Nonimmigrant Worker	Nonimmigrant Petition (Premium filed)	0.4	0.4	0.4	0.4	0.3	0.3
I-129	Petition for a Nonimmigrant Worker	Nonimmigrant Petition (non Premium filed)	3.4	3.8	4.7	2.3	1.8	2.6
I-129F	Petition for Alien Fiancé(e)	All Classifications	3.6	6.5	5.2	4.6	8	9.3
I-130	Petition for Alien Relative	Immediate Relative	6.5	7.6	8.6	8.3	10.2	9.8
I-131	Application for Travel Document	Advance Parole Document	3	3.6	4.5	4.6	7.7	7.2
I-131	Application for Travel Document	Parole in Place	2.5	3.3	3.3	4.8	4.9	4.4
I-131	Application for Travel Document	Travel Document	4.2	2.9	2.8	4	7.2	8.9
I-140	Immigrant Petition for Alien Workers	Immigrant Petition (Premium filed)	0.4	0.3	0.3	0.3	0.4	0.4
I-140	Immigrant Petition for Alien Workers	Immigrant Petition (non Premium filed)	7.3	8.9	5.8	4.9	8.2	11.2
I-360	Petition for Amerasian, Widow(er), or Special Immigrant	Immigrant Petition (All Classifications)	6.3	13.3	16.8	11.4	5.5	6.7

Form	Form Description	Classification or Basis for Filing	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 ⁵
I-485	Application to Register Permanent Residence or to Adjust Status	Based on grant of asylum more than 1 year ago	5.5	6.2	6.7	6.9	12.9	26.2
I-485	Application to Register Permanent Residence or to Adjust Status	Based on refugee admission more than 1 year ago	4.6	6.4	9.4	9.3	7.1	23.4
I-485	Application to Register Permanent Residence or to Adjust Status	Employment-based adjustment applications	7	10.6	10	8.8	9.9	11.1
I-485	Application to Register Permanent Residence or to Adjust Status	Family-based adjustment applications	7.9	10.2	10.9	9.3	12.9	10.3
I-485	Application to Register Permanent Residence or to Adjust Status	Based on Cuban Adjustment Act of 1966 (CAA)	6.2	7.6	11.3	7.1	8.5	9.3
I-485 ¹	Application to Register Permanent Residence or to Adjust Status	All Other Adjustment of Status	7.4	11.7	24	32.7	8.7	15
I-526	Immigrant Petition By Alien Entrepreneur	For use by an investor who wishes to immigrate to the United States	16.6	17.9	19	31.1	32.5	40.8
I-539	Application to Extend/Change Nonimmigrant Status	All Extend/Change Applications	2.8	3.4	4.4	4.8	9.6	7
I-600	Petition to Classify Orphan as an Immediate Relative	U.S. citizen filing to adopt an orphan	N/A	N/A	N/A	N/A	N/A	N/A
I-600A	Application for Advance Processing of Orphan Petition	U.S. citizen who plans to adopt a foreign-born child	N/A	N/A	N/A	N/A	N/A	N/A
I-601A	Application for Provisional Unlawful Presence Waiver	Provisional Waiver of INA 212(a)(9)(B)	4.6	4.5	8.7	11.2	17.1	24.2
I-730	Refugee/Asylee Relative Petition	Petition for accompanying family members of a refugee or an asylee	7.9	10.1	12.4	15.2	20.1	25.3
I-751	Petition to Remove the Conditions on Residence	Removal of conditions on lawful permanent resident status (spouses and children of U.S. citizens and lawful permanent residents)	11.8	15.9	14.9	13.8	13.6	16.8
I-765	Application for Employment Authorization	All other applications for employment authorization	2.6	3	3.4	3.2	3.9	6.7

Form	Form Description	Classification or Basis for Filing	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 ⁵
I-765	Application for Employment Authorization	Based on an approved, concurrently filed, I-821D, Consideration of Deferred Action for Childhood Arrivals (c)(33).	1.8	1.2	1.1	1.1	1.9	0.9
I-765	Application for Employment Authorization	Based on a pending asylum application	1.7	0.9	2	2.5	3.2	6.9
I-765	Application for Employment Authorization	Based on a pending I-485 adjustment application	3	4.1	5.1	4.8	7.1	7.2
I-817	Application for Family Unity Benefits	Voluntary departure under the family unity program and LIFE Act family unity	8.1	12	9.5	5.3	5.9	5.3
I-821	Application for Temporary Protected Status	To request or reregister for TPS	3.4	2.9	6.4	2.2	4.1	6.4
I-821D	Consideration of Deferred Action for Childhood Arrivals	Request for Initial Deferred Action	6.7	10.4	8.9	5.5	5.9	N/A
I-821D	Consideration of Deferred Action for Childhood Arrivals	Request for Renewal of Deferred Action	1.6	1.2	1.1	1.1	1.8	0.9
I-824	Application for Action on an Approved Application or Petition	To request further action on an approved application or petition	3.3	5.9	7.1	6	4.4	4.3
I-829	Petition by Investor to Remove Conditions on Permanent Resident Status	Removal of conditions on lawful permanent resident status (immigrant investors)	18.2	21.8	25.9	24.8	34.5	41.2
I-914 ²	Application for T Non-immigrant Status	Provide temporary immigration benefits to an alien who is a victim of trafficking in persons, and immediate family	9.6	12.1	16.2	18.6	18	15.2
I-918 ³	Petition for U Non-immigrant Status	Provide temporary immigration benefits to an alien who is a victim of qualifying criminal activity, and their qualifying family	31.5	41.8	48.7	54.3	N/A	N/A
I-924	Application For Regional Center Designation Under the Immigrant Investor Program	I-924 - Application For Regional Center Designation Under the Immigrant Investor Program	19.5	19	18.8	19.1	22.1	N/A

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Form	Form Description	Classification or Basis for Filing	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 ⁵
N-400	Application for Naturalization	Application for Naturalization	7.9	9.7	10	9.1	11.5	11.8
N-565	Application for Replacement Naturalization/Citizenship Document	U.S. citizen applying for a replacement of naturalization or citizenship certificate	5.1	3.9	2.4	3.6	6.7	8.9
N-600	Application for Certificate of Citizenship	Application for recognition of U.S. citizenship	7.8	9.2	7.1	5.1	5.8	5.9
N-600K	Application for Certificate of Citizenship and Issuance of Certificate Under Section 322	Application for Citizenship and Issuance of Certificate	5.9	7.6	6.4	5.7	9.6	5.1
Waivers ⁴	Waivers	Excluding I-601A	9.4	12.8	10.3	7.3	7.6	7.5

[Next Page \(/historic-pt-2\)](#)

Table Key:

N/A Not available.

References:

¹ Excludes EOIR Adjustment applications.

² Includes I-914A, Application for Family Member of T-1 Recipient.

³ Includes I-918A, Petition for Qualifying Family Member of U-1 Recipient.

⁴ Includes the following applications filed to waive exclusionary grounds: Forms I-191, I-192, I-212, I-601, I-602, and I-612.

⁵ FY2022 uses data from October 1, 2021 to December 31, 2021.

Note(s):

1. The report reflects the most up-to-date estimate available at the time the database is queried.
2. Processing times may differ from previously published reports due to system updates and post-adjudicative outcomes.
3. Discrepancies from past historical processing time reports may exist due to differences in reporting procedures.
4. Some of the forms have been aggregated.
5. Processing times are defined as the number of months it took for an application, petition, or request to be processed from receipt to completion in a given time period. Visa regressed I-485s and revoked petitions or applications are excluded. Additional information on visa retrogression can be found on our website (<https://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates/visa-retrogression>). (<https://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates/visa-retrogression>).
6. The number of months presented is the median. It represents the time it took to complete 50% of the cases in a given time period.
7. Historical processing times are not comparable to the processing times posted on the [USCIS processing times webpage \(https://egov.uscis.gov/processing-times/\)](https://egov.uscis.gov/processing-times/) for certain form types due to different methodologies (for

8. Historically, USCIS has reported the processing time from filing to waiting list determination. On June 14, 2021, USCIS updated the USCIS Policy Manual to implement a new process, referred to as the Bona Fide Determination (BFD). The new policy enables USCIS to review petitions more efficiently, and provide the benefits of employment authorization and deferred action to more petitioners in a shorter time period than the waiting list process. As with the waiting list, petitions will generally be adjudicated under the BFD process in the order they were received. While USCIS implements the BFD process and gathers initial data on the BFD adjudications, including the possible impacts of the new process on overall U adjudications, USCIS is not reporting processing times for the Petition for U Nonimmigrant Status (Form I-918). This page will be updated on January 1, 2022 or once USCIS has collected sufficient data to report accurate BFD processing times, whichever occurs earlier.
9. Consistent with the July 16, 2021, [order \(PDF, 401.59 KB\)](https://www.uscis.gov/DACADecisionStateofTexas) (https://www.uscis.gov/DACADecisionStateofTexas) from the Southern District of Texas that prohibits DHS from granting initial DACA requests, USCIS has suspended calculations of processing times for initial DACA requests. The 5.9 months historical processing time listed for initial DACA requests was current as of June 30, 2021.
10. Statutory authorization related to the EB-5 Immigrant Investor Regional Center Program expired at midnight on June 30, 2021. For information regarding Form I-526 petition processing, and the impact of the lapse in statutory authorization related to the EB-5 Immigrant Investor Regional Center Program, please see: <https://www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-investor-program> (https://www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-investor-program).
11. The federal fiscal year is from October 1st through September 30th.

Source(s):

1. Department of Homeland Security, U.S. Citizenship and Immigration Services, USCIS Electronic Immigration System (ELIS), C3 Consolidated, C4 Consolidated, INFACT, queried January 2022.



Other case processing times resources

[When to expect to receive your Green Card \(/expect-green-card\)](#)

[Check current processing times \(/home\)](#)

[Processing information for the I-765 \(/i765\)](#)

[Affirmative Asylum Interview Scheduling](#)

(<http://www.uscis.gov/humanitarian/refugees-asylum/asylum/affirmative-asylum-scheduling-bulletin>)

[Administrative Appeals Office \(https://www.uscis.gov/about-us/directorates-and-program-offices/administrative-appeals-office-aao/aao-processing-times\)](https://www.uscis.gov/about-us/directorates-and-program-offices/administrative-appeals-office-aao/aao-processing-times)

[International Offices \(/international-operations-office\)](#)

[Parole Processing \(https://www.uscis.gov/humanitarian/humanitarian-parole/parole-processing\)](https://www.uscis.gov/humanitarian/humanitarian-parole/parole-processing)



Case management tools

[Inquire about a case outside normal processing time \(https://egov.uscis.gov/e-request/displayONPTForm.do?entryPoint=init&sroPageType=onpt\)](https://egov.uscis.gov/e-request/displayONPTForm.do?entryPoint=init&sroPageType=onpt)

[Check your case status \(https://egov.uscis.gov/casestatus/landing.do\)](https://egov.uscis.gov/casestatus/landing.do)

[Correct a typographical error \(https://egov.uscis.gov/e-request/displayTypoForm.do?entryPoint=init&sroPageType=typoError\)](https://egov.uscis.gov/e-request/displayTypoForm.do?entryPoint=init&sroPageType=typoError)

[Request appointment accommodations \(https://egov.uscis.gov/e-request/displayAccomForm.do?entryPoint=init&sroPageType=accommodations\)](https://egov.uscis.gov/e-request/displayAccomForm.do?entryPoint=init&sroPageType=accommodations)

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USCIS.gov
An official website of the **U.S. Department of Homeland Security** (<https://www.dhs.gov>)

[About USCIS \(https://www.uscis.gov/about-us\)](https://www.uscis.gov/about-us)

[Accessibility \(https://www.uscis.gov/website-policies/accessibility\)](https://www.uscis.gov/website-policies/accessibility)

[Budget and Performance \(https://www.uscis.gov/about-us/budget-planning-and-performance\)](https://www.uscis.gov/about-us/budget-planning-and-performance)

[DHS Components \(https://www.uscis.gov/website-policies/dhs-component-websites\)](https://www.uscis.gov/website-policies/dhs-component-websites)

[Freedom of Information Act \(https://www.uscis.gov/records/request-records-through-the-freedom-of-information-act-or-privacy-act\)](https://www.uscis.gov/records/request-records-through-the-freedom-of-information-act-or-privacy-act)

**National
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Office of the Inspector General (<https://www.oig.dhs.gov/>)

The White House (<https://www.whitehouse.gov/>)

USA.gov (<https://www.usa.gov/>)

[Para tener acceso a este sitio en español, presione aquí \(/es\).](#)

Check Case Processing Times

Select your form number and the office that is processing your case

For more information about case processing times and reading your receipt notice, visit the [Case Processing Times \(/more-info\)](#) page.

Form

I-485 | Application to Register Permanent Residence or Adjust Status

Field Office or Service Center

San Antonio TX

Get processing time

ALERT: Starting Nov. 1, 2021, processing times will be based on 6 months of data instead of one month. You can read more about processing times on our [Case Processing Times](#) page.

Processing time for Application to Register Permanent Residence or Adjust Status (I-485) at San Antonio TX

Estimated time range	
10 Months	18 Months

[Check your case status \(https://egov.uscis.gov/casestatus/landing.do\)](https://egov.uscis.gov/casestatus/landing.do)

How we process cases

This time range is how long it is taking USCIS to process your case from the date we received it. We generally process cases in the order we receive them, and we will update this page each month. The estimated time range displayed is based on data captured approximately two months prior to updating the page. Please note that times may change without prior notice.

We have posted a “Receipt date for a case inquiry” in the table below to show when you can inquire about your case. If your [receipt date \(/more-info\)](#) is before the “Receipt date for a case inquiry”, you can submit an “outside normal processing time” service request [online \(https://egov.uscis.gov/e-request\)](https://egov.uscis.gov/e-request).

Estimated time range	Form type	Receipt date for a case inquiry
10 Months to 13 Months	Employment-Based adjustment applications	January 12, 2021
10 Months to 19.5 Months	Family-Based adjustment applications	July 06, 2020



Other case processing times resources

[When to expect to receive your Green Card \(/expect-green-card\)](#)

[Processing information for the I-765 \(/i765\)](#)

[Affirmative Asylum Interview Scheduling \(http://www.uscis.gov/humanitarian/refugees-asylum/asylum/affirmative-asylum-scheduling-bulletin\)](#)

[Administrative Appeals Office \(https://www.uscis.gov/about-us/directorates-and-program-offices/administrative-appeals-office-aao/aao-processing-times\)](#)

[International Offices \(/international-operations-office\)](#)

[Historical Average Processing Times \(/historic-pt\)](#)

[Parole Processing \(https://www.uscis.gov/humanitarian/humanitarian-parole/parole-processing\)](#)



Case management tools

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[Check your case status \(https://egov.uscis.gov/casestatus/landing.do\)](#)

[Update your mailing address \(https://egov.uscis.gov/coa/\)](#)

[Ask about missing mail \(https://egov.uscis.gov/e-Request/Intro.do\)](#)

[Correct a typographical error \(https://egov.uscis.gov/e-request/displayTypoForm.do?entryPoint=init&sroPageType=typoError\)](#)

[Request appointment accommodations \(https://egov.uscis.gov/e-request/displayAccomForm.do?entryPoint=init&sroPageType=accommodations\)](#)

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*United States Department of State
Bureau of Consular Affairs*

VISA BULLETIN

Number 62 Volume X

Washington, D.C.

IMMIGRANT NUMBERS FOR FEBRUARY 2022

A. STATUTORY NUMBERS

This bulletin summarizes the availability of immigrant numbers during February for: "Final Action Dates" and "Dates for Filing Applications," indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

Unless otherwise indicated on the U.S. Citizenship and Immigration Services (USCIS) website at www.uscis.gov/visabulletininfo, individuals seeking to file applications for adjustment of status with USCIS in the Department of Homeland Security must use the "Final Action Dates" charts below for determining when they can file such applications. When USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, USCIS will state on its website that applicants may instead use the "Dates for Filing Visa Applications" charts in this Bulletin.

1. Procedures for determining dates. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; USCIS reports applicants for adjustment of status. Allocations in the charts below were made, to the extent possible, in chronological order of reported priority dates, for demand received by January 7th. If all reported demand could not be satisfied, the category or foreign state in which demand was excessive was deemed oversubscribed. The final action date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. If it becomes necessary during the monthly allocation process to retrogress a final action date, supplemental requests for numbers will be honored only if the priority date falls within the new final action date announced in this bulletin. If at any time an annual limit were reached, it would be necessary to immediately make the preference category "unavailable", and no further requests for numbers would be honored.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition on behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, EL SALVADOR, GUATEMALA, HONDURAS, INDIA, MEXICO, and PHILIPPINES.

4. Section 203(a) of the INA prescribes preference classes for allotment of Family-sponsored immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: (F1) Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:

A. (F2A) Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit.

B. (F2B) Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

Third: (F3) Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: (F4) Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

A. FINAL ACTION DATES FOR FAMILY-SPONSORED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

<u>Family-Sponsored</u>	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01DEC14	01DEC14	01DEC14	08SEP99	01MAR12
F2A	C	C	C	C	C
F2B	22SEP15	22SEP15	22SEP15	01SEP00	22OCT11
F3	22NOV08	22NOV08	22NOV08	15SEP97	08JUN02
F4	22MAR07	22MAR07	15SEP05	22APR99	22AUG02

B. DATES FOR FILING FAMILY-SPONSORED VISA APPLICATIONS

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart below may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file applications, regardless of priority date.

The "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletininfo for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 4.A.) this month for filing applications for adjustment of status with USCIS.

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	15MAY16	15MAY16	15MAY16	01FEB01	22APR15
F2A	01OCT21	01OCT21	01OCT21	01OCT21	01OCT21
F2B	22SEP16	22SEP16	22SEP16	01MAR01	01OCT13
F3	22AUG09	22AUG09	22AUG09	08OCT00	01OCT03
F4	01OCT07	01OCT07	01JAN06	22AUG99	01FEB04

5. Section 203(b) of the INA prescribes preference classes for allotment of Employment-based immigrant visas as follows:

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, of which not more than 10,000 may be provided to "*Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which are reserved for investors in a targeted rural or high-unemployment area, and 3,000 are set aside for investors in regional centers by Sec. 610 of Pub. L. 102-395.

A. FINAL ACTION DATES FOR EMPLOYMENT-BASED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

<u>Employment- Based</u>	All Charge- ability Areas Except Those Listed					
		CHINA- mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C	C
2nd	C	01MAR19	C	01JAN13	C	C
3rd	C	22MAR18	C	15JAN12	C	C
Other Workers	C	01APR12	C	15JAN12	C	C
4th	C	C	15MAR19	C	01APR20	C
Certain Religious Workers	C	C	15MAR19	C	01APR20	C
5th Non-Regional Center (C5 and T5)	C	C	C	C	C	C
5th Regional Center (I5 and R5)	U	U	U	U	U	U

*Employment Third Preference Other Workers Category: Section 203(e) of the Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW final action date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002. For Fiscal Year 2022 this reduction will be limited to approximately 150.

B. DATES FOR FILING OF EMPLOYMENT-BASED VISA APPLICATIONS

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file, regardless of priority date.

The "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletinininfo for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 5.A.) this month for filing applications for adjustment of status with USCIS.

Employment-Based	All Charge-ability Areas Except Those Listed	CHINA - mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C	C
2nd	C	01APR19	C	01SEP13	C	C
3rd	C	01APR18	C	22JAN12	C	C
Other Workers	C	01JUN15	C	22JAN12	C	C
4th	C	C	15MAY19	C	C	C
Certain Religious Workers	C	C	15MAY19	C	C	C
5 th Non-Regional Center (C5 and T5)	C	C	C	C	C	C
5 th Regional Center (I5 and R5)	C	15DEC15	C	C	C	C

B. DIVERSITY IMMIGRANT (DV) CATEGORY FOR THE MONTH OF FEBRUARY

Section 203(c) of the INA provides up to 55,000 immigrant visas each fiscal year to permit additional immigration opportunities for persons from countries with low admissions during the previous five years. The NACARA stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually allocated diversity visas will be made available for use under the NACARA program. This will result in reduction of the DV-2022 annual limit to approximately 54,850. DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For February, immigrant numbers in the DV category are available to qualified DV-2022 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately			
AFRICA	20,000	Except:	Egypt	11,000
ASIA	8,000	Except:	Iran	6,000
			Nepal	4,200
EUROPE	13,000			
NORTH AMERICA (BAHAMAS)	8			
OCEANIA	850			
SOUTH AMERICA, and the CARIBBEAN	1,200			

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2022 program ends as of September 30, 2022. DV visas may not be issued to DV-2022 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2022 principals are only entitled to derivative DV status until September 30, 2022. DV visa availability through the very end of FY-2022 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN MARCH

For March, immigrant numbers in the DV category are available to qualified DV-2022 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately		
AFRICA	21,000	Except: Egypt	11,000
ASIA	8,300	Except: Iran	6,000
		Nepal	4,200
EUROPE	13,500		
NORTH AMERICA (BAHAMAS)	8		
OCEANIA	850		
SOUTH AMERICA, and the CARIBBEAN	1,200		

D. EXPIRATION OF THE EMPLOYMENT-BASED FIFTH PREFERENCE I5 AND R5 REGIONAL CENTER VISA CATEGORIES

Division O, Title 1, Section 104 of the Consolidated Appropriations Act, 2021 extended the immigrant investor pilot program until June 30, 2021. No I5 or R5 visas may be issued overseas, or final action taken on adjustment of status cases after June 30, 2021.

The final action dates for the I5 and R5 categories have been listed as "Unavailable" for February.

If there is legislative action extending this category for February, the final action dates would immediately become "Current" for February for all countries except China-mainland born I5 and R5, which would be subject to a November 22, 2015 final action date.

E. AVAILABILITY OF EMPLOYMENT-BASED FOURTH PREFERENCE NUMBERS

High demand in the Employment Fourth category may necessitate the establishment of a worldwide final action date in the coming months to hold number use within the maximum allowed under the Fiscal Year 2022 annual limit. This situation will be continually monitored, and any necessary adjustments will be made accordingly.

El Salvador, Guatemala, and Honduras: As mentioned above, the rate of demand has increased primarily for adjustment of status cases and will require corrective action as early as March to hold number use within allowable limits.

Mexico: If number use continues to increase then corrective action may be necessary in the coming months.

F. SCHEDULED EXPIRATION OF EMPLOYMENT FOURTH PREFERENCE CERTAIN RELIGIOUS WORKERS (SR) CATEGORY

H.R. 6119, "Further Extending Government Funding Act" extended the Employment Fourth Preference Certain Religious Workers (SR) category until February 18, 2022. Pursuant to the continuing resolution, the non-minister special immigrant program expires on February 18, 2022. No SR visas may be issued overseas, or final action taken on adjustment of status cases, after midnight February 17, 2022. Visas issued prior to this date will only be issued with a validity date of February 17, 2022, and all individuals seeking admission as a non-minister special immigrant must be admitted (repeat, admitted) into the U.S. no later than midnight February 17, 2022.

The SR category is listed as current for all countries for February except El Salvador, Guatemala, and Honduras, which are subject to a March 15, 2019 final action date, and Mexico, which is subject to an April 1, 2020 final action date.

G. FOR THE LATEST INFORMATION ON VISA PROCESSING AT U.S. EMBASSIES AND CONSULATES DURING THE COVID-19 PANDEMIC, PLEASE VISIT THE BUREAU OF CONSULAR AFFAIRS WEBSITE AT TRAVEL.STATE.GOV